

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>WILLIAM E. SMITH, on behalf of himself and all others similarly situated,</b>	)	
	)	
	)	<b>2:07-cv-681</b>
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	
<b>LIFE INVESTORS INSURANCE COMPANY OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM ORDER**

Pending before the Court is PLAINTIFF’S MOTION FOR INJUNCTIVE RELIEF UNDER THE ALL WRITS ACT (Document No. 203), which asks the Court to enjoin the Circuit Court of Pulaski County, Arkansas from applying any settlement finally approved in Runyan v. Transamerica Life Ins. Co., Case No. 09-2066-3 (the “Runyan action”) to individuals in Pennsylvania who are within the putative class in this lawsuit. Plaintiff also filed a Notice of Supplemental Authority (Document No. 204) to inform the Court of the July 24, 2009 Order in Gooch v. Life Investors Ins. Co. of America, Civil Action No. 07-16 (M.D. Tenn.), which enjoined Defendants, their counsel and persons acting in concert with them from pursuing the proposed national class settlement in the Runyan action in the Arkansas state court. Defendant filed a response in opposition (Document No. 205). Defendant also filed DEFENDANT LIFE INVESTORS’ MOTION FOR ONE-DAY ENLARGEMENT OF TIME TO FILE ITS APPENDIX IN SUPPORT OF ITS RESPONSE TO PLAINTIFF’S MOTION FOR INJUNCTIVE RELIEF UNDER THE ALL WRITS ACT (Document No. 206), which was granted and the appendix filed.

In addition to the ruling in Gooch, the Court takes judicial notice of the July 27, 2009 Order in Blue v. Aegon USA, Inc., Civil Action No. 08-3830-GRA (D.S.C.), in which the Court denied the plaintiffs' similar motion for injunctive relief as moot in light of the Order in Gooch. The Court agrees that the Court Order in Gooch has effectively stopped Defendant's effort to effectuate approval of a proposed national class settlement in the Runyan action. Thus, there is no need, at this time, to impose the emergency relief sought by Plaintiff in the pending motion.

In accordance with the foregoing, PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF UNDER THE ALL WRITS ACT (Document No. 203) is **DENIED AS MOOT WITHOUT PREJUDICE**.

SO ORDERED this 30<sup>th</sup> day of July, 2009.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Court Judge

cc: All counsel of record (via CM/ECF)